

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV220-T-02
(1:03CR27-04-T)**

PATRICIA L. ELLIOTT,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

JUDGMENT

For the reasons set forth in the Memorandum and Order filed herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that
Petitioner's motion to vacate, set aside or correct judgment pursuant to §
2255 is **GRANTED IN PART** as to the claim of ineffective assistance of
counsel for failure to file a direct appeal.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
Petitioner's conviction is **AFFIRMED**, her sentence is hereby **VACATED**,
but she shall remain in the custody of the Attorney General of the United

States. The Clerk of Court shall prepare an amended judgment which contains the same terms and provisions as that of the original judgment.

IT IS FURTHER ORDERED that, with entry of such amended judgment, notice of appeal is deemed to be filed on behalf of Petitioner and the appointment of appellate counsel is respectfully referred to the Fourth Circuit Court of Appeals.

IT IS FURTHER ORDERED that Petitioner's remaining claims contained in her § 2255 motion are hereby **DISMISSED WITHOUT PREJUDICE**.

Signed: February 26, 2008



Lacy H. Thornburg
United States District Judge

